

REMARKS

Applicants amend the paragraph starting at page 12, line 3 to correct a minor typographical error. This change does not constitute new matter.

Claims 1-11 are pending in the present application. In this amendment, Applicants traverse all rejections and present new claims 12 and 13.

In the office action mailed 17 November 2003, claims 1, 2, 4-6, and 8-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kanerva et al. (US 5,930,233), hereinafter referred to as Kanerva. Claims 3 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kanerva.

Applicants' claim 1 recites "buffering an unsequentially received Radio Link Protocol frame" and "withholding the transmission of a Negative Acknowledgement message for a delayed Radio Link Protocol frame until the delayed Radio Link Protocol frame has been missing longer than a predefined time period." This claim clearly recites a procedure at the receiver where an unsequentially received frame is buffered and a NAK message is withheld until a time period has lapsed. This function is at the receiver to prevent unnecessary NAK message transmission.

In contrast, Kanerva recites in the abstract "a sliding-window data flow control protocol where the number of transmitted data frames to which the transmitting party has not received an acknowledgement from the receiving party is not allowed to exceed the size of the sliding window." This function is at the transmitter to limit the number of transmitted data frames for which an ACK message is not received. Nowhere does Kanerva teach or recite the buffering of out-of-sequence frames and the withholding of a NAK message as recited in Applicants' claims. Therefore, none of Applicant's claims are anticipated by Kanerva.

Claims 3 and 7 also include the element of withholding the NAK message upon receiving an out-of-sequence frame. As discussed above, Kanerva does not teach this element, nor is their any motivation or suggestion to modify Kanerva to result in the Applicants' claims. In fact, modifying Kanerva to result in the Applicants' claims would result in making Kanerva nonoperational for its intended use of transmission flow control as described in the paragraph

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above. Therefore, a *prima facie* case of obviousness has not been established, and claims 3 and 7 are allowable over Kanerva (please see MPEP 706.02 (j)).

In light of the above arguments claims 1-11 are allowable over the cited art. Applicants also add claims 12 and 13, which have ample support in the specification as originally filed.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 02/11/2004

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NON FEE AMENDMENT TRANSMITTAL LETTER;

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and POSTCARD.

KDB/TIN/RP/CNH

APPLICANT: ARBOI, et al.

ASSIGNEE: QUALCOMM Incorporated

APPLICATION NO.: 09/648,644

FILED: 08/25/2000

FOR: METHOD AND APPARATUS FOR DELAYED FRAME DETECTION
IN THIRD GENERATION RADIO LINK PROTOCOL

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